IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.16864 of 2001

Between:

Poreddi Adinarayana Reddy S/o. Nagi Reddy, 55 years,
Kadiri Mandal, Anantapur District, A.P.

...PETITIONER

AND

1. The Election Authority for Gram Panchayats-Cum-State

Election Commission, Budhabhavan, Hyderabad.

2 The District Election Authority-Cum-District Collector,
Anantapur, Anantapur District, A.P.

3 The Election Officer (Stage-I) Officer, Inagaluru Grampanchayat,
O.D.Cheruvu Mandal, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction Writ of Mandamus declaring the action of the respondent in issuing notification for conducting election to Motukupalli Gram Panchayat, Kadiri Mandal, Anantapur District, even though the term of the office expires on 14.2.2002, as arbitrary, illegal, unjust, without jurisdiction, violative of the Fundamental Rights guaranteed under the constitution of India and also contrary to the provisions of the A.P. Panchayat Raj Act, 1994 and the Rules made there under and issue a consequential direction to the respondent not to hold election to Motukupalli Gram Panchayat, Kadiri Mandal, Anantapur District, till the Expiry of the Terms i.e., 14.2.2002.

Counsel for the Petitioner: MR.S.SRINIVAS REDDY

Counsel for the Respondent Nos.1 & 2: Additional Advocate General

Counsel for the Respondent No.3: MR.V.V.PRABHAKARA RAO

The Court made the following:

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ORDER:

The petitioner is the resident of Motukupalli Gram Panchayat in Kadiri Mandal of Anantapur District. He was elected as Sarpanch in the Election held on 14.02.1997. He has a term of five years, which expires on 14.02.2002. However, the first respondent issued a notification to conduct Elections to Gram Panchayats including the petitioner's Gram Panchayat. The petitioner filed the present Writ Petition seeking a declaration that the action of the respondents in issuing the Election notification is illegal and arbitrary.

This Court while admitting the Writ Petition declined to pass any interim orders. In that view of the matter, the relief prayed can not be granted as in all probability the elections were already held.

The Writ Petition is therefore dismissed as infructuous.

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(V.V.S.RAO, J)

8th September 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Election Authority for Gram Panchayats-Cum-State

Election Commission, Budhabhavan, Hyderabad.

2 The District Election Authority-Cum-District Collector,
Anantapur, Anantapur District, A.P.

3 The Election Officer (Stage-I) Officer, Inagaluru Grampanchayat,
O.D.Cheruvu Mandal, Anantapur District.

4. Two CCs to Advocate General, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.